

UNITED STATES DISTRICT COURT

for the  
District of Arizona

DOA  
08-22-17

United States of America  
v.  
Cristobal Rodriguez-Barbosa,  
a.k.a.: Cristobal Rodriguez Barbosa,  
a.k.a.: Cristobal Barbosa,  
(A208 055 551)  
Defendant

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Case No. 17-9325 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of May 28, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Cristobal Rodriguez-Barbosa, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about March 27, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.


This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Sheila Phillips

☒ Continued on the attached sheet.



Complainant's signature

Marcus D. Leggett,  
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: August 24, 2017



Judge's signature

City and state: Phoenix, Arizona

Eileen S. Willett,  
United States Magistrate Judge

Printed name and title


### **STATEMENT OF PROBABLE CAUSE**

I, Marcus D. Leggett, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On May 28, 2017, Cristobal Rodriguez-Barbosa was booked into the Maricopa County Jail (MCJ) facility by the Phoenix Police Department on local charges. While in custody at the MCJ, Rodriguez-Barbosa was encountered by ICE Officer B. Jansen who determined him to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On August 22, 2017, Rodriguez-Barbosa was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Rodriguez-Barbosa was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Cristobal Rodriguez-Barbosa to be a citizen of Mexico and a previously deported criminal alien. Rodriguez-Barbosa was removed from the United States to Mexico at or near Calexico, California, on or about March 27, 2016, pursuant to a removal order issued by an immigration official. There is no record of Rodriguez-Barbosa in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of

Homeland Security to return to the United States after his removal. Rodriguez-Barbosa's immigration history was matched to him by electronic fingerprint comparison.

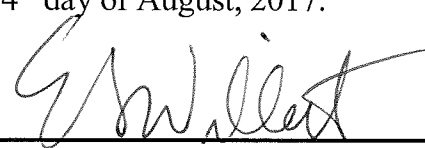
4. On August 22, 2017, Cristobal Rodriguez-Barbosa was advised of his constitutional rights. Rodriguez-Barbosa freely and willingly acknowledged his rights and declined to make any further statements.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about May 28, 2017, Cristobal Rodriguez-Barbosa, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about March 27, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



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Marcus D. Leggett,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 24<sup>th</sup> day of August, 2017.



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Eileen S. Willett,  
United States Magistrate Judge